



PATENT
Docket No. 220002057125
Client Reference No. 94-161-9

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Hazel M. Raskowitz
Hazel M. Raskowitz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

H. Kirk HAMMOND et al.

Serial No.: 09/847,936

Filing Date: May 3, 2001

For: TECHNIQUES AND COMPOSITIONS
FOR TREATING CARDIOVASCULAR
DISEASE BY IN VIVO GENE
DELIVERY

Examiner: A. Wehbe

Group Art Unit: 1632

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

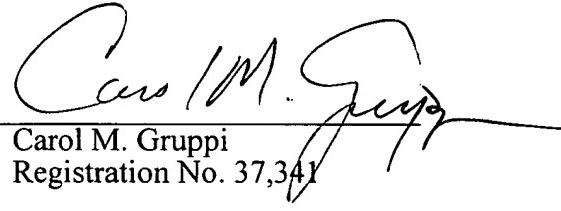
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **220002057125**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 26, 2004

Respectfully submitted,

By:


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1632

PTO/SB/21 (08-03)
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TRANSMITTAL FORM

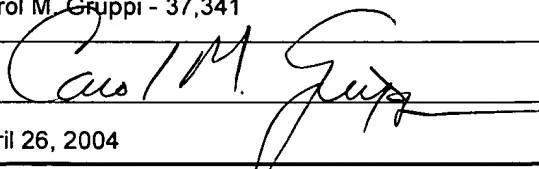
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|--|------------|------------------------|-----------------|
| | | Application Number | 09/847,936 |
| | | Filing Date | May 3, 2001 |
| | | First Named Inventor | H. Kirk HAMMOND |
| | | Art Unit | 1632 |
| | | Examiner Name | A. Wehbe |
| Total Number of Pages in This Submission | 6 + 7 ref. | Attorney Docket Number | 220002057125 |

ENCLOSURES (Check all that apply)

| | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> 1. Form PTO-1449 + copy - 2 pages 2. Seven (7) references 3. Return postcard |
| Remarks | | |

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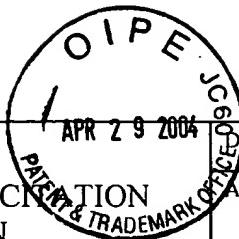
| | |
|-------------------------|---|
| Firm or Individual name | MORRISON & FOERSTER LLP (Customer No. 25226) Carol M. Gruppi - 37,341 |
| Signature |  |
| Date | April 26, 2004 |

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Dated: April 26, 2004

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Form PTO-1449



Docket Number 220002057125

Application Number 09/847,936

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

H. Kirk HAMMOND et al.

Filing Date May 3, 2001

Group Art Unit 1632

Mailing Date April 26, 2004

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|------|--------------|------|-------|----------|----------------------------|
| | | | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|------------|-----------------------------|---------|-------|----------|--------------------|
| | 1. | 11/10/1994 | 'WO 94/25056 (A2 and A3) | WIPO | | | |

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title |
|-------------------|----------|---|
| | 2. | Cittadini, A. et al. (1997). "Growth Hormone Attenuates Early Left Ventricular Remodeling and Improves Cardiac Function in Rats With Large Myocardial Infarction," <i>Journal of the American College of Cardiology</i> 29(5):1109-1116. |
| | 3. | Duerr, R. L. et al. (1995). "Insulin-Like Growth Factor-1 Enhances Ventricular Hypertrophy and Function During the Onset of Experimental Cardiac Failure," <i>Journal of Clinical Investigation</i> 95(2):619-627. |
| | 4. | Duerr, R. L. et al. (1996). "Cardiovascular Effects of Insulin-Like Growth Factor-1 And Growth Hormone in Chronic Left Ventricular Failure in the Rat," <i>Circulation</i> 93(12):2188-2196. |
| | 5. | European Search Report mailed on May 22, 2003, for European Patent Application No. 98918904.8 filed on April 30, 1998, and published on February 23, 2000 as European Publication No. 0 980 428, 4 pages. |
| | 6. | Scheinowitz, M. et al. (1997). "The Role of Insulin-Like and Basic Fibroblast Growth Factors on Ischemic And Infarcted Myocardium: A Mini Review," <i>International Journal of Cardiology</i> 59(1):1-5. |
| | 7. | Wang, D. Y. et al. (1995). "Effect of Basic Fibroblast Growth Factor (b-FGF) in Expansion and Remodeling After Acute Myocardial Infarction," retrieved from STN Database Accession No. 123:103034 HCA, <i>Chemical Abstract Service</i> , Columbus, Ohio, Abstract, one page. |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.